



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

E1-357

SEP 02 2003

REPLY TO THE ATTENTION OF:

B-19J

September 3, 2003

Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423Re: Docket No. AB-295 (Sub-No. 5X), *Indiana Rail Road Company-Abandonment and Discontinuance Exemption*

Dear Sir or Madam:

The U.S. Environmental Protection Agency (EPA) has reviewed the afore-mentioned document published in the Federal Register August 1, 2003. The purpose of this document was to notify relevant parties that a petition for exemption seeking authority to discontinue trackage rights and abandon specific rail lines in Bloomington, Indiana as specified was filed with the Surface Transportation Board. Our comments in this letter are provided pursuant to NEPA, the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

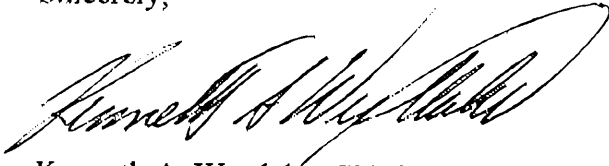
Pursuant to a review of this document and telephone conversations with Mr. Navecky of your office, we understand the Indiana Rail Road Company intends to sell the area subject to the afore-mentioned exemption to the City of Bloomington complete with rails, crossties, etc. In particular, we feel the impending sale poses several concerns which should be addressed in the Environmental Assessment to be issued September 12, 2003.

- Subsequent use of said rails, crossties, etc. by the City of Bloomington. We assume the material will be salvaged and, therefore, request information concerning the final disposition of crossties preserved with creosote. Per the July 3, 1984 Rebuttable Presumption Against Registration for three major wood preservatives under the Federal Insecticide, Fungicide, and Rodenticide Act, wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Indiana; and
- Specific information pertaining to removal and salvage methods. In particular, applicable environmental regulations for removal and ultimate disposal of rails and ballast should be listed;
- Procedures for storing and fueling of construction equipment in upland areas, away from water bodies, floodplains or other sensitive habitat;
- Procedures for the prevention and/or control of spills (i.e., fuels, lubricants or other pollutants) from construction equipment; and

- Soil erosion and stormwater runoff mitigation practices to be utilized during abandonment activities. In particular, consideration of whether all or portions of the right-of-way that the railway owns will be revegetated with native flora should be addressed. Long-term benefits of this mitigation activity go beyond stormwater and soil protection to include development of habitat for wildlife and improved aesthetics.

We appreciate the opportunity to comment on this issue. Please send the Environmental Assessment to me when it is filed. If you have any questions, please contact me or Kathy Kowal of my office at 312/353-5206.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Westlake", written in a cursive style.

Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch

cc: John H. Broadley, Esq.